

HOUSE BILL 815

P4, R2

0lr2282

By: **Delegates DeBoy, Jones, Barkley, Bromwell, G. Clagett, Costa, Glenn, Guzzone, Haynes, Malone, McHale, Olszewski, Schuler, and Sophocleus**

Introduced and read first time: February 9, 2010

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Maryland Department of Transportation Authority Police Officers – Police**
3 **Force – Creation and Collective Bargaining**

4 FOR the purpose of ~~authorizing the representatives of certain full-time Maryland~~
5 ~~Transportation Authority police officers to bargain collectively with the~~
6 ~~Maryland Transportation Authority concerning wages and benefits; authorizing~~
7 ~~certain police officers to take certain actions or refrain from taking certain~~
8 ~~actions in connection with certain labor organizations and collective bargaining~~
9 ~~activities; establishing procedures for certifying a labor organization as an~~
10 ~~exclusive representative of Maryland Transportation Authority police officers~~
11 ~~and for collective bargaining negotiations; requiring certain parties to engage in~~
12 ~~collective bargaining in good faith; requiring a collective bargaining agreement~~
13 ~~to contain certain matters; requiring a collective bargaining agreement to be~~
14 ~~ratified before becoming effective; providing for binding arbitration under~~
15 ~~certain circumstances; providing for the membership, procedures, powers, and~~
16 ~~duties of the arbitration panel; specifying that the decision of the arbitration~~
17 ~~panel is binding on both parties; providing for the payment of the costs of an~~
18 ~~arbitration proceeding under this Act; providing for the construction of certain~~
19 ~~provisions of this Act; establishing the Maryland Department of Transportation~~
20 ~~Police Force and abolishing the Maryland Transportation Authority Police~~
21 ~~Force; providing for the powers and duties of Maryland Department of~~
22 ~~Transportation police officers; requiring the Secretary of Transportation and the~~
23 ~~chief police officer of the Maryland Department of Transportation Police Force~~
24 ~~to adopt certain regulations; requiring the Maryland Department of~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Transportation Police Force to provide certain police services to certain
 2 departmental units; providing for the transfer of certain employees under
 3 certain circumstances; providing for pensions for certain employees; authorizing
 4 the chief police officer of the Maryland Department of Transportation Police
 5 Force to appoint certain employees to exercise certain powers; expanding the
 6 application of certain provisions of law relating to collective bargaining to
 7 certain Maryland Department of Transportation police officers; providing that
 8 the provisions of law do not apply to Maryland Department of Transportation
 9 police officers who are supervisory, managerial, or confidential employees, as
 10 defined in a certain manner; requiring the Maryland Department of
 11 Transportation police officers to have a separate bargaining unit; providing for
 12 certain transfers under this Act; providing for the continuity of certain units,
 13 laws, standards, policies, papers, agreements, and responsibilities; providing for
 14 the continuity of certain transactions, rights, duties, and interests; providing for
 15 the continuity of certain persons licensed, registered, permitted, and certified
 16 under certain departments, offices, and units; providing for the continuity of
 17 certain contracts, agreements, grants, or other obligations; requiring the
 18 Maryland Transportation Authority to pay certain expenses; requiring the
 19 publisher of the Annotated Code of Maryland, in consultation with the
 20 Department of Legislative Services, to make technical corrections; requiring the
 21 Secretary of Transportation to enter into a certain memorandum of
 22 understanding with the Executive Secretary of the Authority; requiring the
 23 Secretary to submit a certain report to the Governor and the General Assembly;
 24 making technical and conforming changes; and generally relating to the
 25 Maryland Department of Transportation Police Force and the collective
 26 bargaining rights of Maryland Department of Transportation Authority police
 27 officers.

28 ~~BY adding to~~
 29 ~~Article – Transportation~~
 30 ~~Section 4-208.2~~
 31 ~~Annotated Code of Maryland~~
 32 ~~(2008 Replacement Volume and 2009 Supplement)~~

33 BY repealing and reenacting, with amendments,
 34 Article – State Personnel and Pensions
 35 Section 3-101(b), 3-102(a) and (b)(11) and (12), 3-205(a), and 3-2A-05(a)
 36 Annotated Code of Maryland
 37 (2009 Replacement Volume and 2009 Supplement)

38 BY adding to
 39 Article – State Personnel and Pensions
 40 Section 3-102(b)(13) and 3-403(f)
 41 Annotated Code of Maryland
 42 (2009 Replacement Volume and 2009 Supplement)

43 BY repealing and reenacting, with amendments,

1 Article – Transportation
 2 Section 2–107
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2009 Supplement)

5 BY adding to
 6 Article – Transportation
 7 Section 2–301 and 2–302
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume and 2009 Supplement)

10 BY repealing
 11 Article – Transportation
 12 Section 4–208 and 4–208.1
 13 Annotated Code of Maryland
 14 (2008 Replacement Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – State Personnel and Pensions**

18 3–101.

19 (b) “Board” means:

20 (1) with regard to any matter relating to employees of any of the units
 21 of State government described in § [3–102(a)(1) through (4)] **3–102(A)(1)(I)**
 22 **THROUGH (IV)** of this subtitle **AND EMPLOYEES DESCRIBED IN § 3–102(A)(2) OF**
 23 **THIS SUBTITLE**, the State Labor Relations Board; and

24 (2) with regard to any matter relating to employees of any State
 25 institution of higher education described in § [3–102(a)(5)] **3–102(A)(1)(V)** of this
 26 subtitle, the State Higher Education Labor Relations Board.

27 3–102.

28 (a) Except as provided in this title or as otherwise provided by law, this title
 29 applies to:

30 **(1)** all employees of:

31 **[(1)] (I)** the principal departments within the Executive Branch of
 32 State government;

33 **[(2)] (II)** the Maryland Insurance Administration;

1 [(3)] (III) the State Department of Assessments and Taxation;

2 [(4)] (IV) the State Lottery Agency; and

3 [(5)] (V) the University System of Maryland, Morgan State
 4 University, St. Mary's College of Maryland, and Baltimore City Community College;
 5 AND

6 (2) ALL FULL-TIME MARYLAND DEPARTMENT OF
 7 TRANSPORTATION POLICE OFFICERS AT THE RANK OF FIRST SERGEANT AND
 8 BELOW.

9 (b) This title does not apply to:

10 (11) any supervisory, managerial, or confidential employee of a unit of
 11 State government listed in subsection [(a)(1) through (4)] (A)(1)(I) THROUGH (IV) of
 12 this section, as defined in regulations adopted by the Secretary; [or]

13 (12) any supervisory, managerial, or confidential employee of a State
 14 institution of higher education listed in subsection [(a)(5)] (A)(1)(V) of this section, as
 15 defined in regulations adopted by the governing board of the institution; OR

16 (13) ANY EMPLOYEE DESCRIBED IN SUBSECTION (A)(2) OF THIS
 17 SECTION WHO IS A SUPERVISORY, MANAGERIAL, OR CONFIDENTIAL EMPLOYEE,
 18 AS DEFINED IN REGULATIONS ADOPTED BY THE SECRETARY.

19 3-205.

20 (a) The Board is responsible for administering and enforcing provisions of
 21 this title relating to employees described in § [3-102(a)(1) through (4)] 3-102(A)(1)(I)
 22 THROUGH (IV) AND (2) of this title.

23 3-2A-05.

24 (a) The Board is responsible for administering and enforcing provisions of
 25 this title relating to employees described in § [3-102(a)(5)] 3-102(A)(1)(V) of this
 26 title.

27 3-403.

28 (F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MARYLAND
 29 DEPARTMENT OF TRANSPORTATION POLICE OFFICERS AT THE RANK OF FIRST
 30 SERGEANT AND BELOW SHALL HAVE A SEPARATE BARGAINING UNIT.

1 2-107.

2 (a) The following units are in the Department:

3 (1) Maryland Aviation Administration;

4 (2) Maryland Port Administration;

5 (3) Maryland Transit Administration;

6 (4) State Highway Administration;

7 (5) Motor Vehicle Administration;

8 (6) Board of Airport Zoning Appeals;

9 (7) State Roads Commission;

10 (8) Transportation Professional Services Selection Board; [and]

11 (9) Maryland Transportation Commission; AND

12 (10) MARYLAND DEPARTMENT OF TRANSPORTATION POLICE
13 FORCE.

14 (b) The Department also includes any other unit that, in accordance with
15 law, is declared to be in the Department.

16 2-301.

17 (A) (1) THERE IS A MARYLAND DEPARTMENT OF TRANSPORTATION
18 POLICE FORCE.

19 (2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MARYLAND
20 DEPARTMENT OF TRANSPORTATION POLICE OFFICER HAS ALL THE POWERS
21 GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THIS STATE.

22 (3) FUNDING FOR THE MARYLAND DEPARTMENT OF
23 TRANSPORTATION POLICE FORCE SHALL BE AS PROVIDED IN THE STATE
24 BUDGET.

25 (B) (1) A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE
26 OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF
27 THIS SECTION ON PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE
28 CONTROL OF THE MARYLAND TRANSPORTATION AUTHORITY, THE MARYLAND
29 AVIATION ADMINISTRATION, AND THE MARYLAND PORT ADMINISTRATION.

1 **(2) (i) THIS PARAGRAPH DOES NOT APPLY TO A HIGHWAY AS**
2 **DEFINED IN § 8-101 OF THIS ARTICLE OR OTHER PUBLIC PROPERTY OR**
3 **WATERWAY OPEN FOR PUBLIC CONVEYANCE.**

4 **(ii) FOR PURPOSES OF ESTABLISHING PERIMETER**
5 **SECURITY SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS**
6 **SUBSECTION, A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE**
7 **OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF**
8 **THIS SECTION:**

9 **1. WITHIN 500 FEET OF PROPERTY DESCRIBED IN**
10 **PARAGRAPH (1) OF THIS SUBSECTION; AND**

11 **2. ON OR WITHIN 500 FEET OF ANY OTHER**
12 **PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE**
13 **DEPARTMENT.**

14 **(3) A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE**
15 **OFFICER MAY EXERCISE THE POWERS DESCRIBED IN PARAGRAPH (2) OF THIS**
16 **SUBSECTION IF:**

17 **(i) THE SECRETARY, WITH THE APPROVAL OF THE**
18 **GOVERNOR, DETERMINES ON THE BASIS OF SPECIFIC AND ARTICULABLE FACTS**
19 **THAT THE EXERCISE OF THE POWERS IS REASONABLE TO PROTECT AGAINST**
20 **ACTUAL OR THREATENED PHYSICAL INJURY OR DAMAGE TO STATE EMPLOYEES**
21 **OR STATE PROPERTY OR ASSETS, AND PROVIDES NOTICE OF THE EXERCISE OF**
22 **THE POWERS TO THE:**

23 **1. CHIEF OF POLICE, IF ANY, OR THE CHIEF'S**
24 **DESIGNEE, IN A MUNICIPAL CORPORATION;**

25 **2. CHIEF OF POLICE OR THE CHIEF'S DESIGNEE IN A**
26 **COUNTY WITH A COUNTY POLICE DEPARTMENT;**

27 **3. SHERIFF OR THE SHERIFF'S DESIGNEE IN A**
28 **COUNTY WITHOUT A POLICE DEPARTMENT;**

29 **4. POLICE COMMISSIONER OR THE POLICE**
30 **COMMISSIONER'S DESIGNEE IN BALTIMORE CITY;**

31 **5. SECRETARY OF NATURAL RESOURCES OR THE**
32 **SECRETARY'S DESIGNEE ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR**
33 **UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES;**

1 **6. SECRETARY OF STATE POLICE OR THE**
2 **SECRETARY'S DESIGNEE; OR**

3 **7. SECRETARY OF A PRINCIPAL DEPARTMENT THAT**
4 **MAINTAINS A POLICE FORCE OR THE SECRETARY'S DESIGNEE IF THE**
5 **DEPARTMENT WOULD BE AFFECTED BY THE ACTIONS OF THE MARYLAND**
6 **DEPARTMENT OF TRANSPORTATION POLICE FORCE; OR**

7 **(ii) THE POLICE OFFICER IS ORDERED TO DO SO BY THE**
8 **GOVERNOR IN ACCORDANCE WITH A PROCLAMATION OR DECLARATION BY THE**
9 **GOVERNOR OF A STATE OF EMERGENCY UNDER TITLE 14 OF THE PUBLIC**
10 **SAFETY ARTICLE.**

11 **(4) A MARYLAND DEPARTMENT OF TRANSPORTATION POLICE**
12 **OFFICER MAY NOT EXERCISE THE POWERS DESCRIBED IN SUBSECTION (A)(2) OF**
13 **THIS SECTION ON ANY OTHER PROPERTY UNLESS THE POLICE OFFICER IS:**

14 **(i) ENGAGED IN FRESH PURSUIT OF A SUSPECTED**
15 **OFFENDER;**

16 **(ii) SPECIALLY REQUESTED OR PERMITTED TO DO SO IN A**
17 **POLITICAL SUBDIVISION BY THE CHIEF EXECUTIVE OFFICER OR THE CHIEF**
18 **POLICE OFFICER; OR**

19 **(iii) ORDERED TO DO SO BY THE GOVERNOR.**

20 **(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO PRECLUDE OR**
21 **LIMIT THE AUTHORITY OF ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT**
22 **AGENCY, OR ANY OTHER FEDERAL POLICE OR FEDERAL PROTECTIVE SERVICE.**

23 **(c) (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE**
24 **AND THE MARYLAND POLICE TRAINING COMMISSION, THE SECRETARY OF**
25 **TRANSPORTATION SHALL ADOPT STANDARDS, QUALIFICATIONS, AND**
26 **PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC**
27 **RELATIONS SKILLS, AND EXPERIENCE FOR MARYLAND DEPARTMENT OF**
28 **TRANSPORTATION POLICE OFFICERS, INCLUDING STANDARDS FOR THE**
29 **PERFORMANCE OF THEIR DUTIES.**

30 **(2) TO THE EXTENT PRACTICABLE, THE SECRETARY OF**
31 **TRANSPORTATION SHALL ADOPT STANDARDS THAT ARE SIMILAR TO THE**
32 **STANDARDS ADOPTED FOR THE DEPARTMENT OF STATE POLICE.**

33 **(3) STANDARDS ADOPTED ON OR AFTER JULY 1, 2010, ON**
34 **MINIMUM HIRING QUALIFICATIONS OF MARYLAND DEPARTMENT OF**
35 **TRANSPORTATION POLICE OFFICERS MAY NOT AFFECT THE STATUS OF ANY**

1 INDIVIDUAL WHO WAS A QUALIFIED MARYLAND TRANSPORTATION AUTHORITY
2 POLICE OFFICER ON JUNE 30, 2010.

3 (D) THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING THE
4 OPERATION AND CONDUCT OF THE MARYLAND DEPARTMENT OF
5 TRANSPORTATION POLICE FORCE AND THE MARYLAND DEPARTMENT OF
6 TRANSPORTATION POLICE OFFICERS.

7 (E) THE MARYLAND DEPARTMENT OF TRANSPORTATION POLICE
8 FORCE SHALL PROVIDE POLICE SERVICES TO THE MARYLAND
9 TRANSPORTATION AUTHORITY, THE MARYLAND AVIATION ADMINISTRATION,
10 AND THE MARYLAND PORT ADMINISTRATION.

11 (F) (1) A PERSON WHO, AS OF JULY 1, 1977, WAS A MEMBER IN GOOD
12 STANDING OF THE MARYLAND AVIATION ADMINISTRATION POLICE FORCE OF
13 THE DEPARTMENT AND WHO WAS SUBSEQUENTLY AN AIRPORT POLICE
14 EMPLOYEE OF THE STATE POLICE AND AN EMPLOYEE OF THE MARYLAND
15 TRANSPORTATION AUTHORITY POLICE FORCE, SHALL:

16 (I) BECOME A MEMBER OF THE MARYLAND DEPARTMENT
17 OF TRANSPORTATION POLICE FORCE, AND SHALL CONTINUE AS A MEMBER OF
18 THAT POLICE FORCE WITHOUT DIMINUTION IN SALARY, EXCEPT FOR SHIFT
19 DIFFERENTIAL, UNTIL RETIREMENT, RESIGNATION, OR TERMINATION; AND

20 (II) BE PAID IN ACCORDANCE WITH THE MARYLAND
21 DEPARTMENT OF TRANSPORTATION POLICE FORCE PAY PLAN.

22 (2) (I) A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS
23 SUBSECTION SHALL REMAIN A MEMBER OF THE BALTIMORE CITY FIRE AND
24 POLICE EMPLOYEES RETIREMENT SYSTEM.

25 (II) THE DEPARTMENT SHALL REIMBURSE BALTIMORE
26 CITY FOR THE EMPLOYER'S COST FOR THE PENSION COVERAGE.

27 (G) (1) A PERSON WHO, AS OF JULY 1, 1998, WAS A MEMBER IN GOOD
28 STANDING OF THE MARYLAND PORT ADMINISTRATION POLICE FORCE OF THE
29 DEPARTMENT AND WHO WAS SUBSEQUENTLY AN EMPLOYEE OF THE MARYLAND
30 TRANSPORTATION AUTHORITY POLICE FORCE SHALL:

31 (I) BECOME A MEMBER OF THE MARYLAND DEPARTMENT
32 OF TRANSPORTATION POLICE FORCE AND SHALL CONTINUE AS A MEMBER OF
33 THAT POLICE FORCE WITHOUT DIMINUTION IN SALARY UNTIL RETIREMENT,
34 RESIGNATION, OR TERMINATION OF EMPLOYMENT; AND

1 (II) BE PAID IN ACCORDANCE WITH THE MARYLAND
2 DEPARTMENT OF TRANSPORTATION POLICE FORCE PAY PLAN.

3 (2) A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS
4 SUBSECTION MAY ELECT TO JOIN THE LAW ENFORCEMENT OFFICERS' PENSION
5 SYSTEM UNDER THE PROVISIONS OF TITLE 26 OF THE STATE PERSONNEL AND
6 PENSIONS ARTICLE.

7 (H) A PERSON WHO, AS OF JULY 1, 2010, WAS A MEMBER IN GOOD
8 STANDING OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE SHALL:

9 (1) BECOME A MEMBER OF THE MARYLAND DEPARTMENT OF
10 TRANSPORTATION POLICE FORCE AND SHALL CONTINUE AS A MEMBER OF
11 THAT POLICE FORCE WITHOUT DIMINUTION IN SALARY UNTIL RETIREMENT,
12 RESIGNATION, OR TERMINATION OF EMPLOYMENT; AND

13 (2) BE PAID IN ACCORDANCE WITH THE MARYLAND
14 DEPARTMENT OF TRANSPORTATION POLICE FORCE PAY PLAN.

15 2-302.

16 (A) THE CHIEF POLICE OFFICER OF THE MARYLAND DEPARTMENT OF
17 TRANSPORTATION POLICE FORCE MAY APPOINT EMPLOYEES OF THE
18 DEPARTMENT TO EXERCISE THE POWERS SPECIFIED IN SUBSECTION (B) OF
19 THIS SECTION.

20 (B) (1) AN EMPLOYEE APPOINTED UNDER THIS SECTION MAY ISSUE
21 CITATIONS TO THE EXTENT AUTHORIZED BY THE CHIEF POLICE OFFICER FOR
22 VIOLATIONS OF THE PROVISIONS OF § 5-426 OF THIS ARTICLE THAT RELATE TO
23 MOTOR VEHICLE PARKING AT BALTIMORE-WASHINGTON INTERNATIONAL
24 THURGOOD MARSHALL AIRPORT.

25 (2) THE ISSUANCE OF CITATIONS UNDER THIS SECTION SHALL
26 COMPLY WITH THE REQUIREMENTS OF TITLE 26, SUBTITLE 3 OF THIS ARTICLE.

27 (C) THE CHIEF POLICE OFFICER, IN CONSULTATION WITH THE
28 MARYLAND POLICE TRAINING COMMISSION, SHALL ADOPT REGULATIONS
29 ESTABLISHING:

30 (1) QUALIFICATIONS FOR EMPLOYEES APPOINTED UNDER THIS
31 SECTION, INCLUDING PREREQUISITES OF CHARACTER, TRAINING, EXPERIENCE,
32 AND EDUCATION; AND

33 (2) STANDARDS FOR THE PERFORMANCE OF THE DUTIES
34 ASSIGNED TO EMPLOYEES APPOINTED UNDER THIS SECTION.

~~Article Transportation~~~~4-208.2~~

~~(A) THIS SECTION APPLIES TO ALL FULL-TIME MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICERS AT THE RANK OF FIRST SERGEANT AND BELOW.~~

~~(B) MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICERS MAY:~~

~~(1) TAKE PART IN OR REFRAIN FROM TAKING PART IN FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR ITS LAWFUL ACTIVITIES;~~

~~(2) SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE REPRESENTATIVE;~~

~~(3) ENGAGE IN COLLECTIVE BARGAINING WITH THE AUTHORITY, OR THE DESIGNEE OF THE AUTHORITY, CONCERNING WAGES, INCLUDING PAY PARITY WITH THE POLICE FORCES OF THE MARYLAND NATURAL RESOURCES POLICE AND THE MARYLAND STATE POLICE, AND BENEFITS, NOT REGULATED BY THE AUTHORITY, THROUGH A LABOR ORGANIZATION CERTIFIED AS THEIR EXCLUSIVE REPRESENTATIVE;~~

~~(4) ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH THEIR EXCLUSIVE REPRESENTATIVE, COVERING THOSE WAGES AND BENEFITS NOT REGULATED BY THE AUTHORITY; AND~~

~~(5) CERTIFY A LABOR ORGANIZATION AS THEIR EXCLUSIVE REPRESENTATIVE.~~

~~(C) (1) A LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE IF:~~

~~(i) A PETITION FOR THE LABOR ORGANIZATION TO BE RECOGNIZED BY THE AUTHORITY IS SIGNED BY AT LEAST 51% OF THE POLICE OFFICERS AT THE RANK OF FIRST SERGEANT AND BELOW INDICATING THEIR DESIRE TO BE REPRESENTED EXCLUSIVELY BY THE PETITIONER FOR THE PURPOSE OF COLLECTIVE BARGAINING; AND~~

~~(ii) THE PETITION IS SUBMITTED TO THE AUTHORITY.~~

~~(2) IF THE AUTHORITY DOES NOT CHALLENGE THE VALIDITY OF THE PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE~~

1 ~~PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE~~
2 ~~EXCLUSIVE REPRESENTATIVE.~~

3 ~~(3) (i) IF THE AUTHORITY CHALLENGES THE VALIDITY OF THE~~
4 ~~PETITION, THE AMERICAN ARBITRATION ASSOCIATION SHALL BE REQUESTED~~
5 ~~TO APPOINT A NEUTRAL THIRD PARTY TO CONDUCT AN ELECTION AND TO~~
6 ~~CERTIFY WHETHER THE LABOR ORGANIZATION HAS BEEN SELECTED AS THE~~
7 ~~EXCLUSIVE REPRESENTATIVE BY A MAJORITY OF THE VOTES CAST IN THE~~
8 ~~ELECTION.~~

9 ~~(ii) THE COSTS ASSOCIATED WITH THE AMERICAN~~
10 ~~ARBITRATION ASSOCIATION AND THE NEUTRAL THIRD PARTY SHALL BE~~
11 ~~SHARED EQUALLY BY THE PARTIES.~~

12 ~~(d) (1) FOLLOWING CERTIFICATION OF AN EXCLUSIVE~~
13 ~~REPRESENTATIVE AS PROVIDED IN SUBSECTION (c) OF THIS SECTION, THE~~
14 ~~PARTIES SHALL MEET AT REASONABLE TIMES AND ENGAGE IN COLLECTIVE~~
15 ~~BARGAINING IN GOOD FAITH.~~

16 ~~(2) THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT TO~~
17 ~~CONCLUDE NEGOTIATIONS IN A TIMELY MANNER.~~

18 ~~(e) (1) A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN ALL~~
19 ~~MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.~~

20 ~~(2) THE AGREEMENT MAY CONTAIN A GRIEVANCE PROCEDURE~~
21 ~~PROVIDING FOR BINDING ARBITRATION OF GRIEVANCES.~~

22 ~~(3) AN AGREEMENT REACHED IN ACCORDANCE WITH THIS~~
23 ~~SECTION SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED~~
24 ~~REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE~~
25 ~~BARGAINING NEGOTIATIONS.~~

26 ~~(4) AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A~~
27 ~~MAJORITY OF THE VOTES CAST BY THE POLICE OFFICERS IN THE BARGAINING~~
28 ~~UNIT AND THE AUTHORITY.~~

29 ~~(f) (1) IF THE AUTHORITY AND THE CERTIFIED LABOR~~
30 ~~ORGANIZATION ARE UNABLE TO REACH A WRITTEN AGREEMENT BY JANUARY 15~~
31 ~~OF ANY YEAR ON WAGES AND TERMS AND CONDITIONS OF EMPLOYMENT, THE~~
32 ~~AUTHORITY OR THE CERTIFIED LABOR ORGANIZATION MAY DEMAND BINDING~~
33 ~~ARBITRATION BEFORE AN ARBITRATION PANEL IN ACCORDANCE WITH THIS~~
34 ~~SUBSECTION.~~

1 ~~(2) (I) THE PANEL SHALL BE COMPOSED OF THREE MEMBERS~~
2 ~~WHO ARE MEMBERS OF THE NATIONAL ACADEMY OF ARBITRATORS.~~

3 ~~(II) WITHIN 3 DAYS AFTER THE REQUEST FOR~~
4 ~~ARBITRATION, EACH PARTY SHALL SELECT ONE MEMBER OF THE PANEL BY~~
5 ~~ALTERNATIVE STRIKES FROM A PANEL THAT IS CHOSEN FROM A LIST SUPPLIED~~
6 ~~BY THE AMERICAN ARBITRATION ASSOCIATION OR THE FEDERAL MEDIATION~~
7 ~~AND CONCILIATION SERVICE.~~

8 ~~(III) WITHIN 4 ADDITIONAL DAYS, THE THIRD MEMBER, WHO~~
9 ~~SHALL SERVE AS CHAIR OF THE PANEL, SHALL BE SELECTED;~~

10 ~~1. BY THE TWO ARBITRATORS CHOSEN UNDER~~
11 ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND~~

12 ~~2. IN ACCORDANCE WITH THE PROCEDURES OF THE~~
13 ~~AMERICAN ARBITRATION ASSOCIATION.~~

14 ~~(3) THE PANEL SHALL BEGIN ARBITRATION PROCEEDINGS~~
15 ~~WITHIN 15 DAYS AFTER THE CHAIR IS SELECTED AND SHALL MAKE A DECISION~~
16 ~~ON THE MATTER THAT IS THE SUBJECT OF THE ARBITRATION, BY MAJORITY~~
17 ~~VOTE, WITHIN 30 DAYS AFTER THE COMMENCEMENT OF THE ARBITRATION~~
18 ~~PROCEEDINGS.~~

19 ~~(4) THE ARBITRATION PANEL SHALL HAVE THE POWER TO~~
20 ~~ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES AND THE~~
21 ~~PRODUCTION OF EVIDENCE BY SUBPOENA, AND DECLARE THE RECORD CLOSED.~~

22 ~~(5) THE WRITTEN DECISION OF THE ARBITRATION PANEL SHALL~~
23 ~~BE FINAL AND BINDING ON THE AUTHORITY AND THE CERTIFIED LABOR~~
24 ~~ORGANIZATION.~~

25 ~~(6) THE AUTHORITY AND THE CERTIFIED LABOR ORGANIZATION~~
26 ~~SHALL SHARE EQUALLY IN THE COSTS OF AN ARBITRATION PROCEEDING UNDER~~
27 ~~THIS SUBSECTION.~~

28 ~~(G) THIS SECTION MAY NOT BE CONSTRUED TO AUTHORIZE OR~~
29 ~~OTHERWISE ALLOW A POLICE OFFICER TO ENGAGE IN A STRIKE AS DEFINED IN §~~
30 ~~3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

31 SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2010, all the
32 functions, powers, duties, assets, liabilities, and employees of the Maryland
33 Transportation Authority Police Force, including all buildings, land and marine
34 vehicles, and equipment owned by the Maryland Transportation Authority that was

1 dedicated to the use of the Maryland Transportation Authority Police Force on April 1,
2 2010, shall be transferred to the Maryland Department of Transportation Police Force.

3 SECTION 3. AND BE IT FURTHER ENACTED, That all expenses incurred by
4 the Maryland Department of Transportation as a direct result of transitioning the
5 Maryland Transportation Authority Police Force into the Maryland Department of
6 Transportation Police Force shall be borne exclusively by the Maryland
7 Transportation Authority.

8 SECTION 4. AND BE IT FURTHER ENACTED, That an employee transferred
9 under this Act to the Maryland Department of Transportation Police Force shall be
10 appointed without further examination or qualification. The employee shall be placed
11 in a classification that is comparable in duties and responsibilities to the employee's
12 former position. The employee may not suffer a diminution of salary or wages, accrued
13 leave, whether earned or granted, or seniority rights.

14 SECTION 5. AND BE IT FURTHER ENACTED, That nothing in this Act
15 affects the terms of office of an appointed or elected member of any division, board,
16 commission, authority, council, committee, office, or unit. An individual who is a
17 member of a division, board, commission, authority, council, committee, office, or unit
18 on the effective date of this Act shall remain a member for the balance of the term to
19 which the member is appointed or elected, unless the member sooner dies, resigns, or
20 is removed under provisions of law.

21 SECTION 6. AND BE IT FURTHER ENACTED, That, except as expressly
22 provided to the contrary in this Act, any transaction affected by or flowing from any
23 statute amended or repealed by this Act, and validly entered into before the effective
24 date of this Act, and every right, duty, or interest following from the transaction,
25 remains valid after the effective date of this Act and may be terminated, completed,
26 consummated, or enforced pursuant to law.

27 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the
28 Annotated Code of Maryland, in consultation with and subject to the approval of the
29 Department of Legislative Services, shall correct, with no further action required by
30 the General Assembly, cross-references and terminology rendered incorrect by this
31 Act or by any other act of the General Assembly of 2010 that affects provisions enacted
32 by this Act. The publishers shall adequately describe any such correction in an editor's
33 note following the section affected.

34 SECTION 8. AND BE IT FURTHER ENACTED, That, except as otherwise
35 provided by law, all existing laws, regulations, proposed regulations, standards,
36 guidelines, policies, orders and other directives, forms, plans, memberships, contracts,
37 property, investigations, and administrative responsibilities associated with the
38 functions of the Maryland Transportation Authority Police Force prior to the effective
39 date of this Act shall continue in effect under the Maryland Department of
40 Transportation Police Force until completed, withdrawn, canceled, modified, or
41 otherwise changed by law.

1 SECTION 9. AND BE IT FURTHER ENACTED, That, on or before July 1,
2 2010, the Secretary of Transportation shall enter into a memorandum of
3 understanding with the Executive Secretary of the Maryland Transportation
4 Authority regarding the provision of law enforcement services by the Maryland
5 Department of Transportation Police Force on or around property owned, leased, or
6 operated by or under the control of the Maryland Transportation Authority.

7 SECTION 10. AND BE IT FURTHER ENACTED, That, on or before October 1,
8 2010, the Secretary of Transportation shall report to the Governor and, in accordance
9 with § 2-1246 of the State Government Article, to the General Assembly, on the
10 provisions in the memorandum of understanding described in Section 9 of this Act.

11 SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 4-208 and
12 4-208.1 of Article – Transportation of the Annotated Code of Maryland be repealed.

13 SECTION ~~2~~ 12. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.